761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 14, 2014

Ralph Webb km

FROM: RALPH J. WEBB, COMMANDER
EAST PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2324397 / FO2324399 / IV2360909
Incident:	On Duty Hit Shooting / Use of Force
Incident Date:	November 14, 2012
Unit:	Operation Safe Streets Bureau
Suspect:	Toloza, Jose MH/11/12/97
Involved Employee:	Deputy Michael Coberg, #[redacted]
EFRC Date:	July 10, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders David Halm, Ralph Webb, and Patrick Maxwell met and reviewed the above case.

FINDINGS:

The Executive Force Review Committee convened on July 10, 2014, and reviewed the hit shooting and use of force investigation under case #SH2324397/FO2324399. The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were not within Department policy.

The EFRC determined that Deputy Coberg violated the following policies: Performance to Standards; and Obedience to Laws, Regulations and Orders as it pertains to Tactical Incidents and Foot Pursuits.

RECOMMENDATIONS:

The EFRC recommended that Deputy Michael Coberg receive a three-day suspension.

RJW:RFI:rfi



John E. Scott, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 18, 2014

Deputy Michael Coberg, #[redacted]

Dear Deputy Coberg:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of three (3) days.

An investigation under IAB File Number 2360909, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to 5-06/105.00, Tactical Incidents and/or 5-09/222.50, Foot Pursuits), on or about November 14, 2012, you failed to perform your duties and/or failed to perform your duties in a manner which would tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department, and/or failed to conform to the work standards established for your position, and/or unnecessarily putting yourself and your partner (Deputy Curtis Brown) in harm's way, as evidenced by, but not limited to:

   a. failing to communicate and/or coordinate a tactical plan prior to contacting a suspect and/or prior to separating from your partner, Deputy Brown, creating a tactical dilemma; and/or,



b. failing to communicate and/or coordinate to safely secure a suspect (Jose Toloza) prior to losing visual sight of Deputy Brown when Deputy Brown left to conduct a consensual search of the suspect's residence; and/or,

c. failing to communicate and/or coordinate with Sheriff's Communications Center and/or station personnel in order to request additional Department resources to assist with the detention and/or search of the residence; and/or,

d. taking independent action by initiating a foot pursuit of Mr. Toloza without communicating and/or coordinating your intentions with your partner, Deputy Curtis Brown; and/or,

e. placing yourself in a tactical disadvantage while engaging in a one-person foot pursuit by closing the distance to apprehend the suspect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Maggie Dixon, of Internal Affairs Bureau, at (323) 890-5314, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Original Signed

Eddie Rivero, Captain
Operation Safe Streets Bureau

ER:AEA:md

c: Advocacy Unit
Employee Relations Unit
William J. Mc Sweeney, Chief, Detective Division
Internal Affairs Bureau
(File # IAB 2360909)

DISPOSITION WORKSHEET

Re:	IAB IV2360909
Subject:	Michael Coberg #[redacted]
Investigator:	David Ladjevic, Internal Affairs Bureau
Advocate:	Tina Kelley, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to 5-06/105.00, Tactical Incidents and/or 5-09/222.50, Foot Pursuits), on or about November 14, 2012, Subject Coberg failed to perform his duties and/or failed to perform his duties in a manner which would tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department, and/or failed to conform to the work standards established or his position, and/or unnecessarily putting himself and his partner (Deputy Curtis Brown) in harm's way, as evidenced by, but not limited to:

    a. failing to communicate and/or coordinate a tactical plan prior to contacting a suspect and/or prior to separating from his partner, Deputy Brown, creating a tactical dilemma; and/or,

    b. failing to communicate and/or coordinate to safely secure a suspect (Jose Toloza) prior to losing visual sight of Deputy Brown when Deputy Brown left to conduct a consensual search of the suspect's residence; and/or,

    c. failing to communicate and/or coordinate with Sheriff's Communications Center and/or station personnel in order to request additional Department resources to assist with the detention and/or search of the residence; and/or,

d. taking independent action by initiating a foot pursuit of Mr. Toloza without communicating and/or coordinating his intentions with his partner, Deputy Curtis Brown; and/or,

e. placing himself in a tactical disadvantage while engaging in a one-person foot pursuit by closing the distance to apprehend the suspect.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised March 20, 2011) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	Standard Discipline
Performance to Standards	W/R to Discharge
Obedience to Laws, Regulations and Orders	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

Table of Contents
IAB # SH2324397/FO2324399

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 11/14/2012	Bureau/Station/Facility: Operation Safe Streets	Admin. Invest.? [ ] Hit? [✓]

Incident Information

URN: 012-14574-2851-013	Date: 11/14/2012	Time: 1943
City or Station: Compton	Nature of Incident: See Attached	
Location: [redacted] Cookacre Ave Compton Ca, 90221		

Location Type (check one or more):
[ ] Backyard
[ ] Beach
[ ] Business
[ ] Freeway
[ ] Industrial
[ ] Park
[ ] Parking Lot
[✓] Residence
[ ] Rural
[ ] School
[ ] Street
Other:

Lighting (check only one):
[✓] Darkness
[ ] Daylight
[ ] Other
[ ] Street Lights

Weather (circle only one):
[✓] Clear
[ ] Cloudy
[ ] Fog
[ ] Rain

Distance: 2 Foot

Incident Type (check one or more):
[ ] Accidental
[✓] Armed Person
[✓] Fleeing Suspect
[✓] Foot Pursuit
[✓] Gun Take Away
[ ] Moving Vehicle
[ ] Sniper/Ambush
[ ] Startle
[✓] Struggle Involved
[ ] Traffic Stop
[ ] Unarmed Person
[ ] Unintentional
[ ] Vehicle Pursuit
[ ] Warrant Service
[ ] Warning Shot
Other:

Initiated by (check only one):
[ ] Arrest Warrant
[ ] Call
[ ] Observation
[ ] One Person Unit
[ ] Other
[ ] Search Warrant
[✓] Two Person Unit

Prior Activity (check only one):
[ ] Detective
[ ] Inmate Transport
[ ] Other
[✓] Routine Patrol

Total # of Shots Fired by Deputy: 3
Total # of Shots Fired by Suspect: 0

Aero Unit? [ ] Canine Unit? [ ]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (check only one)	ShiftType (check only one)
[redacted]	Brown	Curtis		[ ] EM [✓] PM [ ] Day	[✓] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph	Home Ph: [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph	Home Ph: [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I. [redacted]	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph	Home Ph: [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)
[redacted]	Conti	Richard		[✓] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sandoval	Jose	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Young	Suzan	

PSTD Use Only
SH # 2324397

SH-R-438A (rev. 04/18/13)

See Reverse

Officer Involved Shooting

N: 012-14574-2851-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11/14/2012	2140 hrs		

Employee #	Last Name	First Name	M.I.
[redacted]	Johnson	Myron	
[redacted]	Ladjevic	David	
[redacted]	Flores	Carlos	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wasson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	RS					NN	
E#1	S#1	PH					NN	
S#1	E#1	PK					CO	HE
S#1	E#1	PH					AB	AR
S#1	E#1	PK					CP	NK
S#1	E#1	FH	BR	9			NN	
E#1	S#1	FH	BR	9	Y	Y	GS	HE
E#1	S#1	FH	BR	9	Y	Y	GS	DH

Officer Involved Shooting
Involved Employee Information

URN: 012-14574-2851-013

Involved Employee

E 1

Employee # [redacted] | Last Name: Coberg | First Name: Michael | M.I.

Sex: M | Race: White | Rank: DSG | Unit Assignment: OSS/GET | Work Assignment (Unit #, Module, etc.): OSSG13

ShiftTime (*circle only one*): [ ] EM [x] PM [ ] Day | ShiftType (*circle only one*): [x] Regular [ ] Overtime [ ] Off Duty | Intoxication/Drug Usage? [ ] | Substance Used:

Hospital Admission? [ ] | Hospital Name: | Coroner Case? [x] | Coroner Case #: 2012-0742 | Interviewed? [x]

Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [x] Uniform w/ Vest | Other Factors:

Age: [redacted] | Height: 602 | Weight: 235

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [x] | Number of Prior Shootings: 2 | Directed Force: [redacted]

Weapons Fired Brand: Beretta | Caliber: 9mm | # Shots: 3 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.

Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.

E

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day | ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty | Intoxication/Drug Usage? [ ] | Substance Used:

Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case # | Interviewed? [ ]

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? [ ] | Patrol Certification? [ ] | Certification Unit: | Prior Shootings? [ ] | Number of Prior Shootings: | Directed Force: [ ]

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day | ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty | Intoxication/Drug Usage? [ ] | Substance Used:

Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case # | Interviewed? [ ]

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? [ ] | Patrol Certification? [ ] | Certification Unit: | Prior Shootings? [ ] | Number of Prior Shootings: | Directed Force: [ ]

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

Officer Involved Shooting
Suspect Information

URN: 012-14574-2851-013

Suspect Information

S 1

Last Name: Toloza		First Name: Jose	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: Hispanic	Street Addr[redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phone:	Home Phone:	Social Security #:	Driver's Licens[redacted]
Age: 35 D.O.B. 11/12/1977	Height: 509 Weight: 170	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge: 664/187 PC	Secondary Charge: 148(C) PC	
Coroner Case? ✓	Coroner Case # 2012-0742	Intoxication/Drug Usage? ✓	Substance Used: Methamphetamine, Cocaine, Mari
Armed? ✓	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

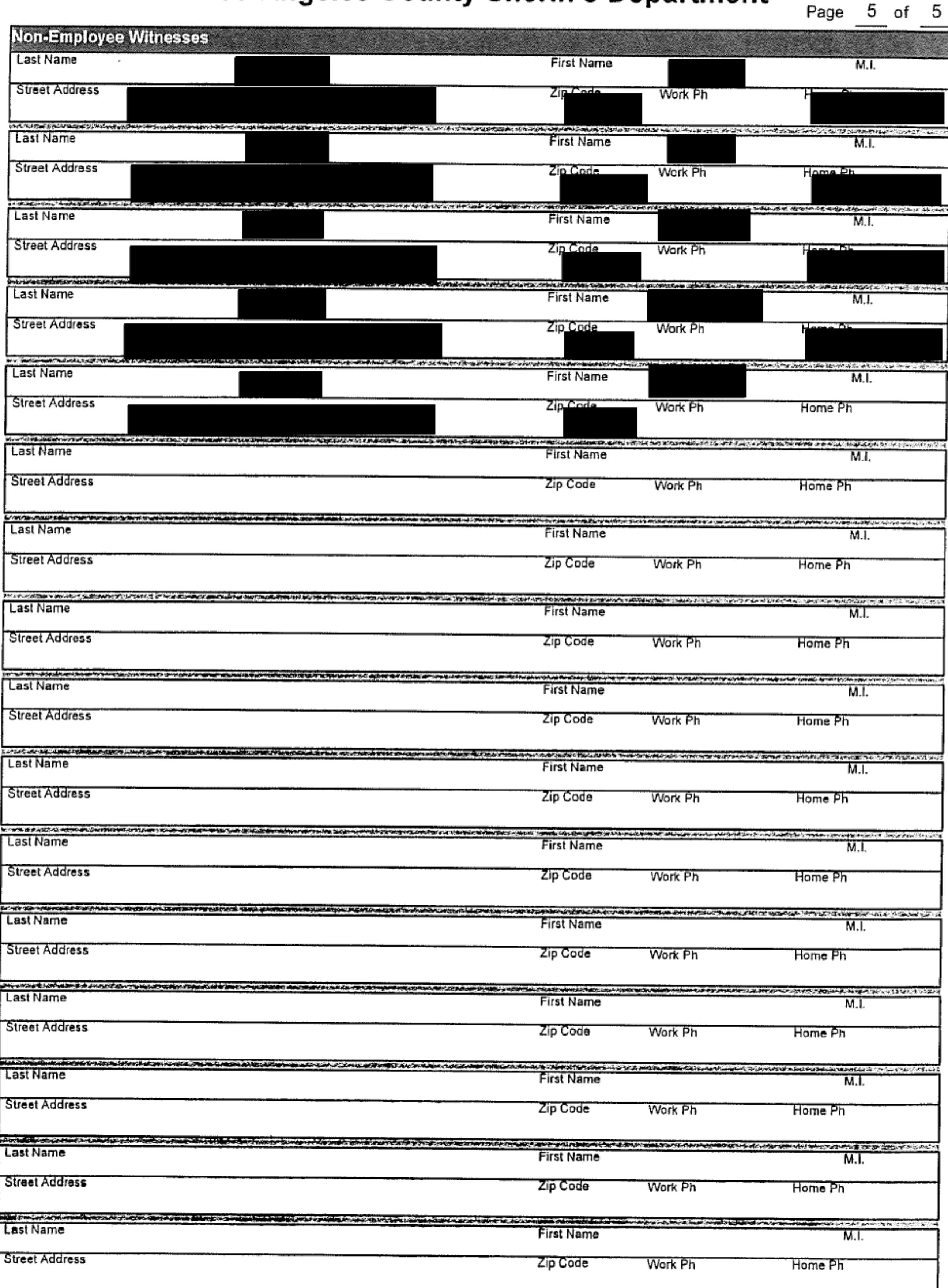
S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING: HIT

CASE NUMBER: SH2324397/FO2324399

File # 012-14574-2851-013

DATE: November 14, 2012

TIME: 1943 hours

LOCATION: [redacted] Cookacre Avenue, Compton

SYNOPSIS

On November 14, 2012, at approximately 1943 Hours, Deputies Michael Coberg and Curtis Brown, assigned to Operation Safe Streets Bureau, Gang Enforcement Team, were travelling east on Queensdale Street in a marked black and white patrol vehicle.

As the deputies were driving east on Queendsdale Street they saw two males standing next to a truck, which was parked on the north curb line, and one male standing on the north sidewalk adjacent to a wrought iron fence.

> IAB NOTE: The male standing adjacent to the wrought iron fence was identified as Suspect Jose Toloza.

As they continued driving toward the three males, they smelled the odor of burnt Marijuana. Deputy Coberg initiated a conversation with the males through his open driver side window. During the conversation Suspect Toloza turned his back on the deputies and appeared to discard an unknown object. The deputies exited their vehicle and contacted the three males. Deputy Coberg detained Suspect Toloza and asked him if he had any Marijuana. The suspect told him he had some "Weed" in his pocket. Deputy Coberg walked the suspect toward the patrol car, where Deputy Brown asked him where he lived. The suspect said he lived in a trailer to the rear of [redacted] While detaining the suspect, Deputy Brown asked the suspect if he had any Marijuana in his trailer. Suspect Toloza said, "No," and told Deputy Brown to go check if he wanted to.

Deputy Brown entered the property at [redacted] through the open driveway gate and walked to the rear of the property. Deputy Brown contacted the resident of [redacted] and attempted to identify the suspect and the exact location of his residence. The owner of the property told Deputy Brown Suspect Toloza lived in the trailer at the rear of the property. Deputy Brown went to the trailer,

lived in the trailer at the rear of the property. Deputy Brown went to the trailer, (motorhome) and saw the door was open. Deputy Brown drew his duty weapon from his holster and entered the motorhome. While inside the motorhome Deputy Brown saw large amounts of narcotics on the bed at the rear of the motorhome. Deputy Brown used his handheld radio to inform Deputy Coberg they were going "10-15" with the suspect.

IAB NOTE: "10-15," is police code for arresting someone. The radio transmission was done via, "Direct" on the handheld radio. "Direct" is a radio frequency used for communication between deputies within a short distance.

Shortly after notifying Deputy Coberg of the pending arrest, Deputy Brown heard Deputy Coberg transmit over the radio, "He's running east." Deputy Brown exited the motorhome and went to the front of the location in an attempt to locate his partner.

Deputy Coberg chased Suspect Toloza on foot east on Queensdale Street, and was able to close the distance between him and the suspect as they entered the intersection of Queensdale Street and Cookacre Avenue. The suspect ran north on Cookacre Avenue, approximately two properties, when the suspect suddenly stopped. Deputy Coberg grabbed hold of the suspect's shirt, however he was unable to maintain his grasp and his momentum forced him past the suspect approximately three to four feet. The suspect ran east and entered the yard of the property located at [redacted] Cookacre Avenue. Deputy Coberg continued his foot pursuit, and grabbed hold of the suspect as he attempted to scale a fence at the south end of the property. As Deputy Coberg attempted to detain Suspect Toloza the suspect fell and landed on top of Deputy Coberg. A struggle ensued and Suspect Toloza attempted to disarm Deputy Coberg. Deputy Coberg was able to retain his weapon and a deputy involved shooting occurred.

IAB NOTE: On July 24, 2013, Deputy District Attorney Fernando Guzman of the Justice System Integrity Unit authored a letter of Opinion. DDA Guzman concluded that Deputy Coberg acted in, "Lawful self-defense." **Refer to Exhibit B**, for District Attorney's Letter of Opinion.

This is a summary based on statements given during audio recorded interviews by the Deputy and witnesses. For complete and detailed statements refer to the digital audio recorded files and the verbatim transcripts, which are included in this investigation.

INVOLVED PERSONNEL

Coberg, Michael [redacted] MW/[redacted] 6-02 235 Left Handed

OSS-GET

Detective Division

Date of Employment: 12/06/2004

Date Assigned to Patrol: [redacted]

Date Completed Patrol Training: [redacted]

Date of Range Qualification: [redacted]

Prior Shooting Incidents: Two

Prior Founded Force Incidents: [redacted]

SUSPECT

Toloza, Jose Deceased MH/35 5-7 160

The Consolidated Criminal History System reveals Suspect Toloza [redacted] *and* [redacted]

IAB NOTE: Suspect Toloza's Criminal History Report is included in this case book. **See Exhibit A, page 223**. Photographs of Suspect Toloza are also included. **See Exhibit G,** for coroner's photographs,

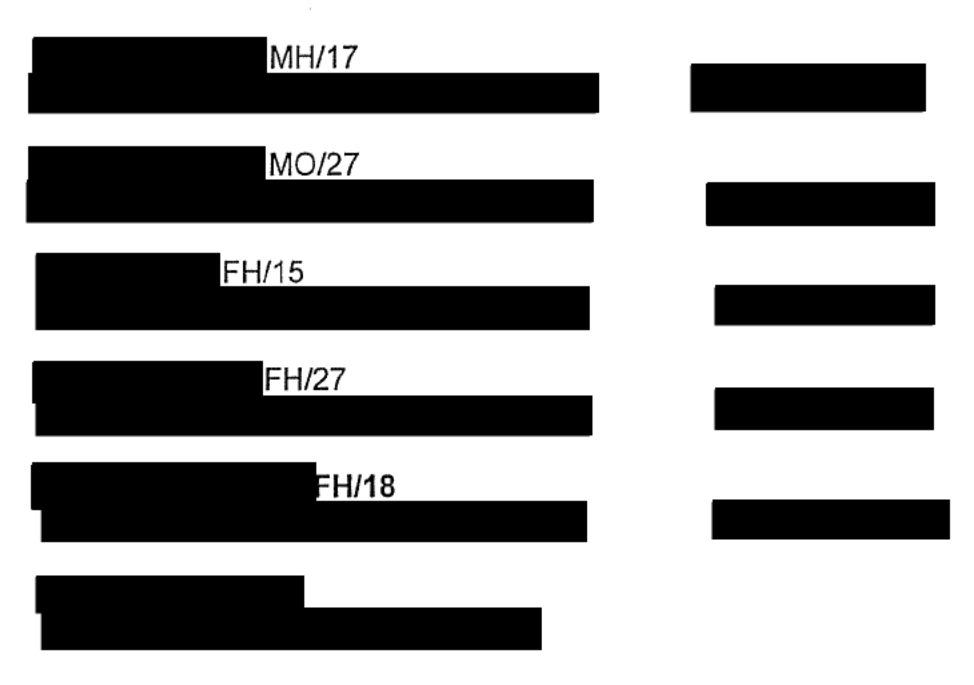
DEPARTMENT WITNESSES

Brown, Curtis #[redacted] Deputy Sheriff

NON-DEPARTMENT WITNESSES

[redacted] MH/66
[redacted]

[redacted] MH/36
[redacted]



[redacted] MH/17 [redacted]

[redacted] MO/27 [redacted]

[redacted] FH/15 [redacted]

[redacted] FH/27 [redacted]

[redacted] FH/18 [redacted]

[redacted]

IAB NOTE: Several of the neighboring houses were canvassed for potential witnesses. None of the persons contacted saw the incident, several only heard it. **See Exhibit A**, pages 36-41.

INJURIES

Suspect Toloza

Below are the injuries Suspect Toloza sustained during the incident:

Gunshot wound penetrating the right side of head

Gunshot wound penetrating the submental region of head (under chin)

Gunshot wound penetrating right arm

Abrasions on right back, legs, head and neck

Multiple skull fractures

See Exhibit A, page 262, for Coroner's Autopsy Report

Deputy Personnel

Below are the injuries Deputy Coberg sustained during the incident:

Concussion

Whiplash, Neck

Abrasions to arms and legs

Contusion, Lower extremity

See Exhibit A, page 64, for St. Francis Medical Center Discharge Instructions.

PHYSICAL EVIDENCE

Several items of evidence were collected by the staff from Scientific Services Bureau.

> **IAB Note:** A sketch of the crime scene, and evidence legend, is included in this case book. See **Exhibit H.** Photographs of the scene are also included. See **Exhibit E**.

Evidence was collected and booked by members of the Sheriff's Department Scientific Services Bureau. **See Exhibit A, page 58.**

DISTANCE

Deputy Coberg was approximately one foot away from the suspect when the shooting occurred.

INVESTIGATOR'S OBSERVATIONS

On November 14, 2012 the Internal Affairs Bureau's Force and Shooting Response Team Responded to the City of Los Angeles regarding a deputy involved hit shooting. The team consisted of Lieutenant Myron Johnson, Sergeants David Ladjevic and Carlos Flores. Attorney Angelica Arias of the Office of Independent Review also responded.

> **IAB NOTE:** Internal Affairs Bureau Lieutenant Myron Johnson checked to see that OSS Lieutenant Henry Saucedo took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their representative. In addition IAB Lieutenant Myron Johnson checked to see if the watch commander attempted to have the involved and witness personnel gather in the company of a supervisor until they had provided a statement to the assigned investigators.

Upon their arrival they learned that there was an active command post and containment of the crime scene area. Investigators learned of the series of events which culminated in a deputy involved, hit, shooting involving Deputy Michael Coberg.

The criminal investigation was handled by Homicide Bureau Detectives Jeffrey Leslie and Adan Torres. They entered the crime scene with Sheriff's Crime Lab Personnel. They documented their actions and finding on Supplemental Reports. **See Exhibit A, pages 1-20.**

WEAPON USED BY DEPUTY PERSONNEL

Deputy Name: Coberg, Michael

Service Weapon Type: Beretta 92F, 9 millimeter Semi-automatic

Rounds Fired: 3

Type of Ammunition Used: Department issued Luger ("Win) Ranger SXT 147gr.

Date Employee Last Qualified: [redacted]

WEAPON USED BY SUSPECT

Toloza, Jose

Type of Weapon Used: Beretta 9 millimeter, Deputy Coberg's

Weapon Recovered: Yes

Casings Recovered: 0

Gunshot Residue Results: N/A

Weapon Checked for Fingerprints: Yes

Results: Three finger prints obtained. No matches recorded through AFIS.

PROPERTY DAMAGE

N/A

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigator's Name: Leslie, Jeff and Torres, Adan
Court: Suspect Deceased
Charges: N/A
Court Date:

LIGHTING AND WEATHER CONDITIONS

Night time, street lights

EMPLOYEE STATEMENT

Coberg, Michael #[redacted] Deputy Sheriff

Involved Deputy Michael Coberg was interviewed by Homicide Detectives Jeff Leslie and Adan Torres at Compton Station on November, 15, 2012, at 0210 Hours. The interview was digitally audio recorded. **Refer to Exhibit A**, page 8 for the Homicide Investigators summary and page 65, for the interview transcripts.

Deputy Michael Coberg interviewed on May 28, 2014, by Internal Affairs Bureau Sergeants David Ladjevic and Romeo Ingreso. The interview took place at Internal Affairs Bureau and was digitally audio recorded. Deputy Brown was represented by Attorney Audra Call from Green and Shinee.

On November 14, 2012, Deputy Coberg was assigned to Operation Safe Streets Bureau, Gang Enforcement Team and was assigned to patrol the city of Compton. Deputy Coberg said his partner was Deputy Curtis Brown. He said he was the driver and Deputy Brown was the passenger. Deputy Coberg said they were driving east on Queensdale Street from Stoneacre Avenue when they noticed a male standing on the north sidewalk. He said as they approached the male (identified as Suspect Toloza), he appeared to be startled by their presence and immediately began to walk toward a fenced driveway. The gate was open approximately three or four feet. Deputy Coberg said Suspect Toloza crossed the threshold of the gate with half of his body then turned and began to walk out toward the street. Deputy Coberg said he smelled the odor of burnt Marijuana in the air. He said before he exited his vehicle he called to the suspect to come to him, through the open vehicle window. Deputy Coberg said the suspect's action of partially entering the gated driveway gave him the opinion that the suspect was attempting to discard something, possibly narcotics. He said he exited the vehicle and made contact with Suspect Toloza and guided him to the hood of the radio car. He said as they were walking to the radio car he asked the suspect if he had anything illegal on him. The suspect said he had Marijuana in his sweater. Deputy Coberg recovered some Marijuana from the suspect's sweater pocket, then placed it back into the pocket that he recovered it from.

Deputy Coberg said Deputy Brown met him at the hood of the car and asked the suspect where he lived and if he had any Marijuana in his residence. He said Suspect Toloza told him he lived in a trailer at the rear of the property and said, "No, I don't have anything in my trailer. Go ahead and check." Deputy Coberg said he and Deputy Brown looked at each other and agreed that Deputy Brown should go look. He said Deputy Brown went to the residence and conducted a door knock to confirm that the property owner knew the suspect. Deputy Coberg said Deputy Brown confirmed his residency and walked to the rear of the location toward the trailer. He said when Deputy Brown went to the rear of the location he was having a conversation with the suspect and wasn't paying attention to where Deputy Brown was. He said the suspect was standing next to the radio car with his hands on the hood and he was having a casual conversation with him. He said he spoke to the suspect for approximately one minute when he ran him on the MDC (Mobile Digital Computer). **REFER to EXHIBIT C**, for Unit History Report.

> **IAB NOTE:** The name Suspect Toloza gave Deputy Coberg appears to be [redacted] was the last entry on the Unit History Report and Deputy Coberg did not recall the name given at the time of his interview.

Deputy Coberg said after running the suspect on the MDC he exited the vehicle and was standing approximately three to four feet from the suspect when he continued his conversation. He said while speaking with the suspect Deputy Brown relayed on "Direct," We're "10-15."

> **IAB NOTE:** Direct Mode is a frequency that is used for communication within a short distance from deputy to deputy. The Direct Mode does not use a repeater and is not relayed via Sheriff's Communication Center (SCC) and therefore not recorded.

Deputy Coberg said Deputy Brown did not relay a reason as to why they were "10-15" and that is was normal for him not to relay that information. He said he could not see Deputy Brown when the information was relayed, but believed he was at the trailer. Deputy Coberg said his radio was turned down and it was his opinion that the suspect did not hear the radio. He said he placed himself in a position of advantage and reached for the suspect's right elbow with his right hand, and with his left hand he reached back to retrieve his handcuffs. Deputy Coberg said once he unsnapped his handcuff case the suspect began to run east, in the middle of the street. He said when the suspect began to run he advised Deputy Brown via "Direct" the suspect was running east, and he immediately began to run after the suspect. Deputy Coberg said he did not immediately advise units that he was in foot pursuit, but tried to at a later time.

Deputy Coberg said he pursued the suspect east on Queensdale Street for approximately 30 to 40 feet when he heard the sound of metal hitting metal. He said he believed his partner was exiting the driveway of the residence and something on Deputy Brown's equipment belt hit the gate, and he believed that his partner was behind him. Deputy Coberg said once he believed his partner was behind him he was able to close the distance on the suspect and caught him at the southwest corner of Queensdale Street and Cookacre Avenue. He said when he caught the suspect he grabbed the collar of the suspect's shirt. Deputy Coberg said when he grabbed the suspect's collar the suspect spun, hit his arms and was able to break free of his grasp. He said the suspect ran east across Cookacre Avenue to the east sidewalk and continued north approximately two properties. Deputy Coberg said he again caught the suspect and attempted to grab him when the suspect, "Hit the brakes," causing him to overshoot him and lose his grip. He said the suspect was able to jump a four foot chain link fence into a property located on the eastside of Cookacre Avenue ([redacted] Cookacre Avenue). Deputy Coberg said he immediately jumped the fence and realized he did not hear any radio traffic. He said usually the person in the back would be putting out radio traffic, and when he did not hear it he decided to put out "10-33" traffic. He said after he put out the radio traffic he did not hear SCC acknowledge his transmission and he continued to follow the suspect south through the yard.

IAB NOTE: The distance of the foot pursuit was approximately 275 feet.

Deputy Coberg said the suspect ran past the front door toward the southwest corner of the house. He said when the suspect went under the patio there was a six foot chain link fence from the house attached to a wrought iron fence that ran along the south property line. Deputy Coberg said the suspect began to climb the fence and attempted to get on the roof of the house. He said as the suspect was climbing the fence he repeatedly said, "I'm not going back to jail; I'm not going back to jail." He said he was able to grab hold of the suspect's right ankle and eventually was able to take hold of both ankles. He said when he was holding onto the suspect's ankles it was, "Like a tug of war." Deputy Coberg said the suspect was holding onto something, possibly flashing, and had a good grip. He said during the "tug of war" he tugged hard enough that the suspect lost hold of his grip and at the same time caused him (Deputy Coberg) to stumble backwards. Deputy Coberg said his feet got tangled up in some rose bushes and he fell on his back. Deputy Coberg said his hips were in the rose bushes causing his head to be lower than his hips and the suspect landed on his feet, facing him, and was straddling him. He said he was lying on his back trying to "lock" the suspect's left leg between his hip and his armpit. He said the suspect continuously lifted up his feet and would then put them down. He said the suspect began to stomp on his head with his boots. Deputy Coberg said eventually he was able to "Lock" the suspect's left leg into his armpit. He said the suspect started using his right foot to push against his chest, trying to free his left foot from his hold. He said the suspect continued saying, "I'm going to kill you; I ain't going back to jail." Deputy Coberg said he was able to trap Suspect Toloza's other leg between his knees, and he began to push his hips to the left when he noticed the suspect's knees

begin to bend. He said he continued to push to the left and the suspect eventually collapsed and went to the ground on his knees.

Deputy Coberg said he remembered wrestling with the suspect on the ground, and he had moved away from the rose bush toward the patio area. He said he saw the suspect lunge toward his weapon, and saw the suspect's hands on his weapon. Deputy Coberg said, "I believed the suspect was trying to take my gun to use it on me." He said when the suspect grabbed his gun, he did what he was trained to do and reached down with his left elbow and tried to break the suspect's grip off of the firearm. Deputy Coberg said it didn't work because he was off balance and he fell over each time he lifted his left hand. He said the suspect purposely pulled down the retention strap of his holster, and immediately tried to pull his weapon out. He said the suspect was able to pull his weapon several inches out of his holster, when he regained his balance and was able to push it back in. He said they did this several times back and forth, fighting over the weapon. Deputy Coberg said while they were fighting over the gun he started yelling for his partner. He said he began to yell, "Curtis," out of desperation. He said he was yelling "Curtis" because he was "scared for my life" and he needed help. Deputy Coberg said he was tired, breathing hard, his arms were weak and he felt lethargic. He said he remembered pushing the suspect, but he did not have the upper body strength at the time because he was struggling to get oxygen.

Deputy Coberg said he was able to sit up and give the suspect a "pretty decent push." He said the push caused the suspect to fall back, however he was able to break his fall with either his hands or his elbow. He said he immediately pulled his firearm from his holster and had every intention to shoot the suspect at this time. Deputy Coberg said the suspect "sprung" forward and very quickly grabbed his firearm. He said his hand was on the grip and the suspect grabbed the top of the slide, and they began to fight over the weapon. He said while they were fighting over the weapon he noticed the magazine fell out approximately two inches.

IAB NOTE: Deputy Coberg said it is common for the magazine to fall out of the magazine well if the magazine release button is pushed.

Deputy Coberg said he panicked. His fear level kept rising and he felt as if nothing could go right. He said he pushed the suspect around the torso area and was able to break his grip from the firearm. Deputy Coberg said he caught himself from falling and simultaneously, "within a fraction of a second," slammed the magazine back into the well and fired three rounds at the suspect without aiming, striking the suspect.

After the shooting Deputy Coberg was met by Deputy Brown. Deputy Coberg advised Deputy Brown that he was not injured and told Deputy Brown to put out, "998" suspect down.

DEPARTMENT WITNESS

Brown, Curtis #[redacted] Deputy Sheriff

Deputy Curtis Brown was interviewed by Homicide Detectives Jeff Leslie and Adan Torres at Compton Station November 15, 2012, at 0130 hours. The interview was digitally audio recorded. **Refer to Exhibit A**, page 5 for the Homicide Investigators summary and page 103, for the interview transcripts.

Deputy Curtis Brown was interviewed on May 1, 2014, by Internal Affairs Bureau Sergeants David Ladjevic and Romeo Ingreso. The interview took place at Internal Affairs Bureau and was digitally audio recorded. Deputy Brown was represented by Attorney Audra Call from Green and Shinee.

On November 14, 2012, Deputy Brown was assigned to Operation Safe Streets Bureau, Gang Enforcement Team. Deputy Brown said he was partners with Deputy Michael Coberg and has been partners with him for approximately four years. He said they were assigned to work the City of Compton as OSSG13 and their shift started at noon. Deputy Brown said the day started as, "Basically a routine day."

Deputy Brown said they were driving east on Queensdale Street when they saw two males standing next to a truck and one male standing on the sidewalk.

> **IAB NOTE:** The male on the sidewalk was later identified as Suspect Toloza.

He said as they drove east toward the males they smelled the strong odor of burnt marijuana. Deputy Brown said when they neared the males Deputy Coberg contacted the male on the sidewalk through his open window. He said he did not recall the exact verbiage Deputy Coberg used when contacting Suspect Toloza but believed he said, "Hey, what's going on." Suspect Toloza acknowledged and responded back. He said he did not contact the other males as they appeared to be getting ready to leave and they did not seem to care that he was there. Deputy Brown said Suspect Toloza turned around and it appeared that he was trying to discard something through the fence into the yard.

Deputy Brown said both he and Deputy Coberg exited their vehicle, and Deputy Coberg contacted Suspect Toloza and walked him toward the radio car. He said after exiting the radio car he walked around the front of the car and met Deputy Coberg and Suspect Toloza at the driver's side, front portion of the hood. He said he did not remember which one of them asked Suspect Toloza if he had anything on him. He said Suspect Toloza responded saying, "I have a little weed." Deputy Brown said Deputy Coberg retrieved a small amount of Marijuana from Suspect Toloza. He said he asked Suspect Toloza where he lived and if he had any more Marijuana or anything else illegal. Suspect Toloza said he lived in a trailer at the back of the property and, he did not have anything

else. He said Suspect Toloza said, "No. Go ahead and search if you want."

> **IAB NOTE:** The "trailer" was a Winnebago Motorhome with no plates, located to the rear of [redacted]

Deputy Brown then entered the property located at [redacted] and began to check the immediate area for anything that Suspect Toloza may have discarded. Deputy Brown said he did not find anything. He began to look under one of the vehicles parked in the driveway when he was contacted by the property owner, [redacted] and his [redacted]

> **IAB NOTE:** The person that was contacted with the property owner was the [redacted] Witness [redacted] not the [redacted]

Deputy Brown asked them if they knew the suspect and if he had ever been arrested. Witness [redacted] said, "Yeah. He lives in the back and no he had never been arrested." Deputy Brown said he looked into the garage through an open door and saw a lot of car parts and Honda Civics, which are commonly stolen in Compton, and it gave the appearance of a, "Chop Shop." Deputy Brown was told by the property owner his [redacted] worked at an auto parts place and brings vehicles home to work on them.

Deputy Brown said he was approximately 20 yards away from his partner when he saw the motorhome. He said the front door was open and the interior lights were on. Deputy Brown visually cleared the front half of the motorhome without stepping into the motorhome. He said he entered the motorhome and walked approximately two or three steps to the rear in order to clear it. Deputy Brown said while inside of the motorhome he opened the bathroom door and continued to clear the motorhome by himself. Deputy Brown said while standing on the exterior step he was able to maintain a visual of his partner, however, when he entered the interior rear portion of the motorhome is when he lost his visual contact with Deputy Coberg.

> **IAB NOTE:** Deputy Brown made the decision to enter the motorhome without notifying Deputy Coberg.

Deputy Brown said as he entered the rear portion of the motorhome he saw some narcotics. He said he switched his hand held radio to "Direct" and notified his partner, "We're going to be 10-15."

> **IAB NOTE:** "10-15" is a police code for taking a person into custody.

Deputy Brown said he continued to look around after telling Deputy Coberg they were, "10-15" when he noticed a large amount of methamphetamine, cocaine and marijuana on the bed. He said he continued looking for several seconds when he heard Deputy

immediately exited the mortorhome and started running back to the patrol car.

Deputy Brown said when he arrived at the sidewalk the homeowner and his [redacted] pointed east toward Cookacre Avenue. He said he started running in that direction when he heard Deputy Coberg yell his name three times. Deputy Brown said Deputy Coberg yelled his first name which was uncommon for him. He said he started screaming back, "Where are you, where are you?" Deputy Brown said he heard three gunshots and someone screaming as he continued running east. He said while he was running he saw a security guard directing him north. Deputy Brown said he heard Deputy Coberg again yell his name after the gunshots.

Deputy Brown said he located Deputy Coberg approximately one and a half properties [redacted] on the [redacted] side of the street.

> **IAB NOTE**: The location Deputy Brown located Deputy Coberg was [redacted] Cookacre Avenue.

Deputy Brown said when he saw Deputy Coberg he was hunched over at the waist, gasping for air and his uniform was ripped in numerous places. He said his initial thought was Deputy Coberg was shot and he grabbed him by the top portion of his vest and lifted him up asking him, "Where are you shot." He said Deputy Coberg told him he wasn't shot.

Deputy Brown said he initiated a radio broadcast via his portable radio advising units of a "998" and requested rescue for the suspect. **REFER to EXHIBIT F**, for radio transmission recording. He said he looked at Deputy Coberg's radio and saw it wasn't in the holder.

NON-DEPARTMENT WITNESS STATEMENT(S)

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Detectives Jeff Leslie and Adan Torres at Compton Station on November 15, 2012, at 0005 hours. The interview was digitally audio recorded. The following is a summary of their interview.

Witness [redacted] told the investigators he was working as a [redacted] on Atlantic Avenue, when he saw a male attempting to climb a fence located at the west end of the parking lot. Witness [redacted] further stated as the male was attempting to climb the fence he saw a second person holding his legs. Witness [redacted] said he recognized the second person as the police due to the way he was dressed.

IAB NOTE: Deputy Coberg was wearing a Class A, Los Angeles County Deputy Sheriff Uniform.

Witness [redacted] said both of the individuals fell to the ground and he saw the deputy, lying on his back, attempting to control the individual. Witness [redacted] said the, "Young guy" (Suspect Toloza) got up and was standing above the deputy, who was still on the ground.

IAB NOTE: The "Younger Guy" is referring to the suspect.

Witness [redacted] said they continued to struggle when he saw the suspect reaching for the deputy's belt. He believed the suspect was attempting to get the gun. Witness [redacted] yelled, "Be careful," and ran toward the street looking for the deputy's partner. As Witness [redacted] ran toward the street, heard three gunshots. Witness [redacted] got the attention of Deputy Brown by waving his hat and yelling, "Over here, over here!"

For a detailed summary of Witness [redacted] Homicide interview, **refer to Exhibit A, page 2.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Detectives Jeff Leslie and Adan Torres on November 15, 2012, at 1720 hours. The interview was audio digitally recorded.

Witness [redacted] said he was standing with, "Shampoo" and his [redacted] on the north sidewalk of Queensdale Street when the deputies contacted the suspect.

IAB NOTE: "Shampoo" is the name used by the witnesses to refer to Suspect Toloza.

Witness [redacted] said when the driver deputy contacted Suspect Toloza he searched him and walked him toward the radio car. While the deputy and Suspect Toloza were at the radio car the other deputy walked into the yard of the house they were standing in front of. Witness [redacted] said after approximately 15 minutes he and his [redacted] left the location.

For a detailed summary of Witness [redacted] Homicide interview, **refer to Exhibit A, page 18.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Detectives Jeff Leslie and Adan Torres on November 15, 2012, at 1735 hours. The interview was audio digitally recorded.

Witness [redacted] said he was at the location with his [redacted] Witness [redacted] and his friend "Shampoo," (Suspect Toloza), when he saw a police car driving toward them. He said Suspect Toloza, began to walk into the yard when the deputies flashed their lights on him. Witness [redacted] said one of the deputies began to search Suspect Toloza while the other deputy was shining his light on the ground as if he was looking for something. He said one of the deputies walked to the rear of the property while he and his [redacted] waited for approximately 15 minutes. Witness [redacted] said the deputies never made contact with him or his [redacted]

For a detailed summary of Witness [redacted] Homicide interview, **refer to Exhibit A, page 18.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Detectives Jeff Leslie and Adan Torres on November 15, 2012, at 1705 hours. The interview was audio digitally recorded.

Witness [redacted] said he turned onto Queensdale Street and saw a police car with its doors opened parked in the middle of the street. He said he was inside of his [redacted] car (Witness [redacted] when he saw two people standing next to the police car. Witness [redacted] said one of the persons (Suspect Toloza) was putting his hands on the car and the other person (Deputy Coberg) was going to "pat him down." He said Suspect Toloza suddenly took off running east on Queensdale Street toward Cookacre Avenue. Witness [redacted] said he saw the deputy immediately chase Suspect Toloza as he ran away from the radio car. He said he saw the suspect take off his sweater when the deputy caught up to him.

Witness [redacted] said he lost sight of the deputy and the other male when they reached Cookacre Avenue. He said after losing sight of the deputy and the suspect he heard someone yell. He said it sounded like the person was panicked and he thought they yelled, "George." Witness [redacted] said after hearing the cry for help he heard four gunshots.

For a detailed summary of Witness [redacted] Homicide interview, **refer to Exhibit A, page 16.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Detectives Jeff Leslie and Adan Torres on November 15, 2012, at 1625 hours. The interview was audio digitally recorded.

Witness [redacted] said she was standing outside of her house when she saw the deputies pull up and call her [redacted] over to them. She said she only knows her neighbor as "Shampoo." She said one of the deputies entered the yard and asked her

[redacted] where "Shampoo" lived. She translated for her [redacted] and told the deputies he lived in the RV at the rear of the property. Witness [redacted] said she entered her house and told her [redacted] something was going on. She said she went back out to the driveway when she heard someone yelling "Help, Help." Witness [redacted] said she heard one gunshot, then the cries for help, and then three more gunshots.

For a detailed summary of Witness [redacted] Homicide interview, **refer to Exhibit A, page 14.**

WITNESS [redacted]

Witness [redacted] said she drove west on Queensdale Street with her [redacted] Witness [redacted] and parked in front of her residence, when she noticed a police car in the middle of the street, facing east. She said she saw two people talking and saw both of the individuals running. She believed one of the persons running was an officer, due to the sound of the equipment the police carry.

Witness [redacted] said she lost site of the suspect and the officer, when they went north on Cookacre Avenue, however she remained outside with Witness [redacted] She said she heard four gunshots and heard someone yelling "help." Witness [redacted] said she saw an individual in the "company lot" screaming "help, help" on the opposite side of the gate. She said the man she saw yelling for help was pointing to the north. Witness [redacted] said the partner deputy exited the yard west of her residence and asked what happened. She said she heard gunshots straight ahead, indicating east, and the deputy ran in that direction.

For a detailed summary of Witness [redacted] Homicide interview, **refer to Exhibit A, page 16.**

WITNESS [redacted]

Witness [redacted] said while at her residence, [redacted] she heard yelling followed by three gunshots a couple of seconds later. She said she was unable to decipher what the words were being yelled.

For a detailed summary of Witness [redacted] Homicide interview, **refer to Exhibit A, page 19.**

WITNESS [redacted]

Witness [redacted] said he was at home, [redacted] sleeping when he awoke to the sound of gunshots. He said he did not hear any screaming prior to the gunshots and indicated his room is located at the far northeast of his residence.



LOS ANGEL(; COUNTY DISTRICT AT( )RNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

July 24, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 12-0745
L.A.S.D. File # 012-14574-2851-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 14, 2012, fatal shooting of Jose Toloza by Los Angeles County Sheriff's Deputy Michael Coberg. It is our conclusion that Deputy Coberg acted in lawful self-defense.

The District Attorney's Command Center was notified of the shooting on November 14, 2012, at approximately 8:25 p.m. The District Attorney Response Team (DART), comprised of Deputy District Attorney Fernando Guzman and District Attorney Supervising Investigator [redacted] responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Investigators Jeffrey Leslie and Adan Torres, LASD Homicide Bureau. Deputy Coberg provided a voluntary statement which was considered as part of this analysis.

FACTUAL ANALYSIS

On November 14, 2012, at approximately 7:00 p.m., LASD Deputies Michael Coberg and Curtis Brown were on routine patrol, in an unincorporated area near Compton, in a marked black and white vehicle. As Coberg slowly drove east on Queensdale Street, the deputies saw Jose Toloza standing in front of a house on the north side of the street. After smelling the odor of burnt marijuana in the air, Coberg made eye contact with Toloza. Toloza turned and began walking through the open gate and into the yard. Believing that Toloza might be in possession of marijuana, Coberg stopped the vehicle and asked Toloza to approach.

Clara Shortridge Foltz Criminal Justice Center
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Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us

As Toloza walked toward the vehicle, Coberg exited and asked Toloza if he had any marijuana in his possession. Toloza stated that he had marijuana in his pocket. Coberg walked Toloza to the hood of the patrol vehicle and patted him down for weapons. Coberg found marijuana in Toloza's pocket, but no weapons.

Toloza stated that he lived in a trailer which was parked in the driveway of the house where he was originally standing. He denied having drugs in the trailer and invited the deputies to search. Deputy Brown walked to the trailer, which was open, and began searching. Coberg remained at the patrol vehicle with Toloza. Toloza gave Coberg a false name and date of birth, which Coberg entered into the mobile digital computer.

Three to five minutes later, Brown notified Coberg by radio that Toloza should be placed under arrest.[1] Coberg grabbed Toloza's right elbow and reached for his handcuffs. Toloza began sprinting east down the middle of Queensdale Street. Coberg notified Brown by radio and chased Toloza on foot.

At the corner of Queensdale Street and Cookacre Avenue, Coberg grabbed Toloza's shirt collar. Toloza spun and struck Coberg's hand away from him. Toloza ran north on the east sidewalk of Cookacre Avenue until Coberg grabbed him again in front of a residence on Cookacre Avenue. Toloza stopped suddenly, causing Coberg to overrun him and release his hold on Toloza. During the chase, Coberg tried, unsuccessfully, to open an emergency radio frequency in order to request assistance from other units.[2]

Toloza jumped over the front gate of the residence and ran through the yard to a chain link fence. As Toloza tried to climb over the fence, Coberg grabbed him by the right ankle. Coberg ordered Toloza to stop resisting and get down. Toloza responded "I'm not going back to jail!" Coberg was able to pull Toloza down from the fence, but lost his footing and fell to the ground. Coberg landed on his back, wedged between the fence and a bush. Toloza was standing over Coberg while Coberg held Toloza's leg.

Toloza began stomping Coberg about the torso, chest and head while shouting "I'm gonna fucking kill you!" While still holding Toloza's leg, Coberg began to roll over, causing Toloza to fall to the ground. Toloza repeated over and over, "I'm not going back to jail!" Both men were on the ground with their legs tangled. While in a sitting position, Toloza grabbed Coberg's department issued service firearm, which was in the holster on Coberg's left hip.[3]

Coberg threw his left forearm down onto Toloza's hands to break their grip on his gun. Instead of releasing the grip, Toloza released the safety strap holding the gun in the holster. Toloza tried several times to remove the gun from the holster. Coberg responded by pushing it back in each time.

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[1] In the trailer, Brown found a large quantity of marijuana, cocaine and methamphetamine.
[2] Coberg later learned that his microphone was disconnected from his radio.
[3] Coberg carries a 9 mm Beretta semiautomatic pistol.

Coberg was able to push Toloza back for approximately one second. Coberg removed the gun from the holster and attempted to shoot Toloza. Before he could fire a round, Toloza grabbed the gun and the two wrestled for control. The magazine began to slide out of the gun. Coberg pushed Toloza as hard as he could. When Toloza fell back momentarily, Coberg pushed the magazine back into the gun and fired three rounds from his hip area.[4] Toloza fell backward and lay motionless. Brown arrived and requested police and medical assistance.

Statement of Deputy Curtis Brown

Deputy Brown provided a voluntary statement to investigators. His statement was consistent with that of Coberg in every material aspect. After he advised Coberg to arrest Toloza, he heard Coberg state on the radio "Curtis, he's running east." Brown ran to their vehicle but did not see Coberg or Toloza. From a distance, he heard Coberg shouting "Curtis, Curtis!" and began running east. Immediately thereafter, he heard three gunshots in rapid succession.

Upon reaching Coberg's location, Brown found Coberg standing hunched over and gasping for breath. Toloza was laying on the ground motionless. Brown requested assistance over the radio.

Statement of [redacted]

[redacted] was employed as a [redacted] and was walking through the parking lots of businesses located on Atlantic Avenue. He saw Toloza, trying to climb over a fence with Deputy Coberg hanging onto his legs. Both men fell to the ground. Toloza rose to his feet and stood over Coberg until Coberg pulled him to the ground again.

The men wrestled on the ground as Coberg began yelling for his partner. When [redacted] saw Toloza try to get Coberg's gun, he shouted "Be careful!" [redacted] believed that Toloza intended to harm Coberg. [redacted] ran toward the street to look for Coberg's partner. [redacted] stated that if he was not on the other side of the fence, he would have helped Coberg. He directed Brown to Coberg's location. [redacted] did not see the shooting.

Further Investigation

LASD deputies canvassed the area and questioned people living in the area. Several of those questioned stated that they heard shouting and/or gunshots. No one acknowledged seeing the shooting. Examination of Coberg's service weapon revealed that he fired three rounds.

Injuries

Coberg was transported to Saint Francis Medical Center where he was diagnosed with a concussion, whiplash and numerous abrasions. He later learned that he had been bitten on the thigh by Toloza.

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[4] During the struggle, Coberg recalled shouting his partner's name.

Toloza was pronounced dead at the scene by paramedics. An autopsy revealed the cause of death to be multiple gunshot wounds. The two fatal wounds were in the head. The first wound entered the right side of the head and traveled front to back and right to left. The second entered at the chin and traveled into the brain. The third wound was to the right arm. Toxicology results revealed the presence of cocaine, marijuana and methamphetamine in Toloza's blood.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight… The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this investigation shows that Deputy Coberg was attempting to arrest Toloza, who emphasized and displayed his refusal to be arrested. When Coberg attempted to use justifiable force, Toloza fought Coberg, and voiced his intention to kill him. Toloza stomped Coberg about the head and torso and attempted to gain possession of Coberg's gun. Because of the rapidly evolving, life threatening situation, Deputy Coberg acted reasonably in self-defense when he used deadly force against Toloza.

Based on our examination of the evidence, we conclude that Deputy Coberg acted in lawful self-defense. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By ______________________

FERNANDO GUZMAN
Deputy District Attorney
(213) 974-3888

c: Deputy Michael Coberg, #[redacted]